

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JARED ANDREW MARTIN,)	Case No.: 1:22-cv-00002-DAD-SAB (PC)
)	
Plaintiff,)	
)	FINDINGS AND RECOMMENDATION
v.)	RECOMMENDING PLAINTIFF’S MOTION FOR
)	A TEMPORARY RESTRAINING ORDER BE
D. CASTILLO, et al.,)	DENIED
)	
Defendants.)	(ECF 20.)
)	
)	
)	

Plaintiff Jared Andrew Martin is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before is Plaintiff’s motion for a temporary restraining order, filed April 4, 2022.

I.

LEGAL STANDARD

Procedurally, a federal district court may issue emergency injunctive relief only if it has personal jurisdiction over the parties and subject matter jurisdiction over the lawsuit. See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999) (noting that one “becomes a party officially, and is required to take action in that capacity, only upon service of summons or other authority-asserting measure stating the time within which the party serve must appear to defend.). Furthermore, the pendency of this action does not give the Court jurisdiction over prison officials in

1 general. Summers v. Earth Island Inst., 555 U.S. 488, 491–93 (2009); Mayfield v. United States, 599
2 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties in this action and to the
3 viable legal claims upon which this action is proceeding. Summers, 555 U.S. at 491–93; Mayfield,
4 599 F.3d at 969.

5 A temporary restraining order is an extraordinary measure of relief that a federal court may
6 impose without notice to the adverse party if, in an affidavit or verified complaint, the moving party
7 “clearly show[s] that immediate and irreparable injury, loss, or damage will result to the movant
8 before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A).

9 The standard for issuing a temporary restraining order is essentially the same as that for issuing
10 a preliminary injunction. Stuhlbarg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th
11 Cir. 2001) (analysis for temporary restraining orders and preliminary injunctions is “substantially
12 identical”).

13 “A preliminary injunction is an extraordinary remedy never awarded as of right.” Winter v.
14 Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008) (citation omitted). “A plaintiff seeking a
15 preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to
16 suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his
17 favor, and that an injunction is in the public interest.” Id. at 20 (citations omitted). An injunction may
18 only be awarded upon a clear showing that the plaintiff is entitled to relief. Id. at 22 (citation omitted).
19 “Under Winter, plaintiffs must establish that irreparable harm is *likely*, not just possible, in order to
20 obtain a preliminary injunction.” Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th
21 Cir. 2011).

22 Requests for prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison
23 Litigation Reform Act, which requires that the Court find the “relief [sought] is narrowly drawn,
24 extends no further than necessary to correct the violation of the Federal right, and is the least intrusive
25 means necessary to correct the violation of the Federal right.” Section 3626(a)(2) also places
26 significant limits upon a court's power to grant preliminary injunctive relief to inmates. “Section
27 3626(a) therefore operates simultaneously to restrict the equity jurisdiction of federal courts and to
28 protect the bargaining power of prison administrators – no longer may courts grant or approve relief

that binds prison administrators to do more than the constitutional minimum.” Gilmore v. People of the State of California, 220 F.3d 987, 999 (9th Cir. 2000).

II.

DISCUSSION

In his motion, Plaintiff contends that Defendants have made a decision to attempt to win this case by having Plaintiff removed and sent to the Madera County Jail. However, Plaintiff submits that he has not received a warrant for his arrest or any criminal charges. Plaintiff requests that the Court issue an order that he be released to the custody of the Federal Bureau of Investigations.

As an initial matter, Plaintiff’s case is in the preliminary screening stage, and the United States Marshal has yet to effect service on any Defendant, and Defendants have no actual notice. Therefore, the Court has no personal jurisdiction over any Defendant at this time. Fed. R. Civ. P. 65(d)(2); Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999); Zepeda v. U.S. I.N.S., 753 F.2d 719, 727-28 (9th Cir. 1983). In addition, the Court cannot determine whether there is any likelihood of success on the merits of Plaintiff’s claims. Furthermore, Plaintiff cannot obtain a temporary restraining order or preliminary injunction compelling his release from incarceration. Plaintiff brings this action under 42 U.S.C. § 1983. Section 1983 provides a remedy for the violation of constitutional rights by any person acting under color of state law. 42 U.S.C. § 1983; see, e.g., Hall v. City of Los Angeles, 697 F.3d 1059, 1068 (9th Cir. 2012); Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006). Section 1983 is not a vehicle for challenging the validity of confinement. See, e.g., Skinner v. Switzer, 562 U.S. 521, 533–34 (2011) (citing Wilkinson v. Dotson, 544 U.S. 74, 82 (2005)); Nettles v. Grounds, 830 F.3d 922, 927 (9th Cir. 2016). Complaints for relief turning on the circumstances of a prisoner’s confinement may be brought in a § 1983 action. See Skinner, 562 U.S. at 533–34; Nettles, 830 F.3d at 927. The *exclusive* remedy for a prisoner seeking immediate or speedier release from confinement, however, is a writ of habeas corpus. See Skinner, 562 U.S. at 533–34; Preiser v. Rodriguez, 411 U.S. 475, 500 (1973) (“[W]hen a state prisoner is challenging the very fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus”). Because a habeas petition is the exclusive method by

1 which a prisoner may seek release from custody, a temporary restraining order or injunction ordering a
2 prisoner's release in a civil rights action is inappropriate. See, e.g., Henson v. Corizon Health, No. CV
3 19-04396-PHX-MTL (DMF), 2020 WL 2319937, at *1–2 (D. Ariz. May 11, 2020). If Plaintiff wishes
4 to challenge the fact or duration of his confinement, he may file a petition for a writ of habeas corpus.
5 Accordingly, Plaintiff's motion for a temporary restraining order must be denied.

6 **III.**

7 **RECOMMENDATION**

8 Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff's motion for a
9 temporary restraining order, filed on April 4, 2022 (ECF No. 20), be DENIED.

10 This Findings and Recommendation will be submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
12 after being served with this Findings and Recommendation, Plaintiff may file written objections with
13 the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
14 Recommendation." Plaintiff is advised that failure to file objections within the specified time may
15 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
16 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17
18 IT IS SO ORDERED.

19 Dated: **April 6, 2022**



UNITED STATES MAGISTRATE JUDGE